

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

JOSEPH MALONEY

v.

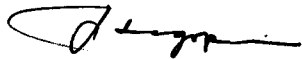
C.A. No. 08-362 ML

STEVEN BOYD, ET AL.

REPORT AND RECOMMENDATION

Plaintiff Joseph Maloney, *pro se*, an inmate at the Adult Correctional Institutions in Cranston, Rhode Island filed a petition for Writ of Habeas Corpus on September 26, 2008 (Docket # 1). Presently before the Court is plaintiff's motion to "Withdraw my Habeas Corpus motion – 2254, - Without Prejudice", which shall be construed as a motion for voluntary dismissal pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure (Docket # 16). Plaintiff states that he recently learned that he is due to be paroled in the near future and does not wish to pursue his petition for Habeas Corpus at this time. This matter has been referred to me for a report and recommendation pursuant to 28 U.S.C. § 636(b)(1)(B).

Having reviewed plaintiff's submission, I hereby recommend plaintiff's motion be GRANTED and the action be DISMISSED without prejudice.



Jacob Hagopian
Senior United States Magistrate Judge
March 3, 2009